

NOT FOR PUBLICATION

JAN 24 2008

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARK MICHAEL PICHÉ,

Plaintiff - Appellant,

v.

WARNER BROTHERS, INC.,

Defendant - Appellee.

No. 06-56209

D.C. No. CV-06-00963-FMC

MEMORANDUM\*

Appeal from the United States District Court  
for the Central District of California  
Florence Marie Cooper, District Judge, Presiding

Submitted January 14, 2008\*\*

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Mark Michael Piché appeals pro se from the district court's order dismissing his action under the Copyright Act alleging that Warner Brothers interfered with his right to register two motion pictures, filmed in 1976, with the

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Copyright Office. We have jurisdiction under 28 U.S.C. § 1291. *See Spurlock v. FBI*, 69 F.3d 1010, 1015 (9th Cir. 1995). We review de novo the district court's dismissal on statute of limitations grounds. *Oja v. U.S. Army Corps of Eng'rs*, 440 F.3d 1122, 1127 (9th Cir. 2006). We affirm.

The district court properly dismissed the amended complaint as time-barred. *See* 17 U.S.C. § 507(b) ("No civil action shall be maintained under the provisions of [the Copyright Act] unless it is commenced within three years after the claim accrued."). Piché's claims accrued when he first discovered the conduct that gave rise to his claims, *see Polar Bear Prods., Inc. v. Timex Corp.*, 384 F.3d 700, 706 (9th Cir. 2004) (statute of limitations begins to run when the copyright owner discovers, or reasonably could have discovered, the infringement), and the amended complaint states that he was aware of the conduct no later than 1977. Piché's action filed in 2006 is therefore barred by the statute of limitations.

**AFFIRMED.**